

HOUSE BILL No. 1363

DIGEST OF INTRODUCED BILL

Citations Affected: IC 33-37-3-2.

Synopsis: Waiver of certain court fees and court costs. Provides that if a person brings a civil action or petition for the appointment of a guardian, a clerk of a court may waive the payment of required fees or other court costs by the person without court approval if: (1) the person is represented by an attorney who is employed by a civil legal aid program or who is serving as a pro bono attorney; and (2) the attorney files a statement with the clerk that seeks relief from paying the required fees or other court costs and is accompanied by an approved affidavit of indigency.

Effective: July 1, 2009.

Van Haaften

January 13, 2009, read first time and referred to Committee on Courts and Criminal Code.

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Introduced

First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

HOUSE BILL No. 1363

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 33-37-3-2 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. **(a) Except as**
3 **provided in subsection (b),** a person entitled to bring a civil action or
4 to petition for the appointment of a guardian under IC 29-3-5 may do
5 so without paying the required fees or other court costs if the person
6 files a statement in court, under oath and in writing:

7 (1) declaring that the person is unable to make the payments or to
8 give security for the payments because of the person's indigency;

9 (2) declaring that the person believes that the person is entitled to
10 the redress sought in the action; and

11 (3) setting forth briefly the nature of the action.

12 **(b) If a person brings a civil action or petition for the**
13 **appointment of a guardian under IC 29-3-5, a clerk may waive the**
14 **payment of required fees or other court costs by the person without**
15 **court approval if:**

16 (1) **the person is represented by an attorney:**

17 (A) **who is employed by Indiana Legal Services or another**

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civil legal aid program; or

(B) who:

(i) is serving as a pro bono attorney; and

(ii) obtained the person as a client through a direct referral from a pro bono district associated with one (1) of the fourteen (14) administrative districts in Indiana established by the Indiana Rules of Court Administrative Rule 3(A); and

(2) the attorney files a statement with the clerk that:

(A) seeks relief from paying the required fees or other court costs;

(B) declares that the person believes that the person is entitled to the redress sought in the action;

(C) sets forth briefly the nature of the action;

(D) is accompanied by an approved affidavit of indigency; and

(E) is signed by the attorney.

(c) This section does not prohibit a court from reviewing and modifying a finding of indigency by the court or a clerk if a person who received relief from the payment of required fees or other court costs ceases to qualify for the relief.

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